EXAM NUMBER _____

INTELLECTUAL PROPERTY MANAGEMENT
FINAL EXAM
SPRING '06

Professor Jorda May, 2006

Instructions:
This is a two-hour (more for certain foreign students) open-book exam. You may consult the course materials as well as any other materials.

Write your answers in the blue books supplied, but please use only one side of the page and observe the margins. Please print or write as legibly as possible.

Grading will be anonymous; please do not put your name on anything you turn in. BE SURE YOUR EXAM NUMBER IS ON EACH BLUE BOOK YOU TURN IN.

PROBLEM I
Are the following statements about the patent/trade secret interface true or false and why?

1) Patents and trade secrets are mutually exclusive and one or the other has to be chosen for protection of innovation to the exclusion of the other. **[6 points]**
2) A patentable invention must be patented for protection, while only unpatentable know-how can be protected via trade secrets. **[6 points]**
3) Because patents require disclosure of an invention for the public good as a *quid pro quo* for exclusivity, it is reprehensible to rely on trade secrets. **[6 points]**
4) Because the patent system requires enabling and best mode disclosures, patents necessarily disclose or preempt all the trade secrets that are useful in the practice of the patented invention. **[6 points]**
5) The fact that the trade secret to be utilized must be disclosed to others under secrecy obligation set forth in a non-disclosure, confidentiality or secrecy agreement, makes trade secret protection merely a matter of contract law. **[6 points]**
6) There are great differences between patent and trade secrets in terms of duration, scope of protection, kind of protection, degree of exclusivity, and costs. **[6 points]**
7) Trade secrets, know-how and confidential, proprietary or "undisclosed" information are synonymous terms and can be used interchangeably. **[6 points]**
8) Trade secret protection operates without delay and without undue cost against the world, while patents are territorial and so difficult and expensive to obtain that they can be taken out only in selected countries. **[6 points]**

OTHER QUESTIONS:
1) What are "housemarks" and for what reasons is it advantageous to use them? **[6 points]**
2) Can a patent attorney or patent agent who suggests a material contribution to an inventor's inventive concept be named as a co-inventor in the patent application to be filed thereon? **[6 points]**

Bonus Question: What's the relative importance of "conception" of an invention and its "reduction to practice" in a) a joint or co-inventorship context or dispute and b) in a priority/interference context or dispute?

--END OF EXAMINATION—

KFJ/Ruh/5.2.06